

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MELISSA VILLANUEVA, ON §
BEHALF OF THE ESTATE OF ABELINO §
GUZMAN, DECEASED, AND ON §
BEHALF OF A.G., A MINOR, DESIRAY §
DAVIS, AND TRACY GUZMAN §

V. §

ELECTRIC RELIABILITY COUNCIL §
OF TEXAS, INC., AMERICAN §
ELECTRIC POWER COMPANY, INC., §
AND AEP TEXAS, INC. §

CIVIL ACTION NO.: 2:21-cv-48
JURY DEMANDED

DEFENDANTS AMERICAN ELECTRIC POWER COMPANY, INC. AND
AEP TEXAS INC.'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

COME NOW American Electric Power Company, Inc. ("AEPC") and AEP Texas Inc. and respectfully submit this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441 and 1446.

I. BACKGROUND

1. On February 26, 2021, Plaintiffs sued Defendants Electric Reliability Council of Texas, Inc. ("ERCOT"), AEPC, and AEP Texas Inc. in an Original Petition filed in the 79th Judicial District Court of Jim Wells County, Texas, for negligence and gross negligence arising out of the "rolling blackouts" ordered by ERCOT to electric utilities throughout the state of Texas in connection with the

extreme cold weather event that occurred in February 2021. Plaintiffs allege that power to the decedent's home was lost on February 14, 2021, and the home continued to be without power on February 16, 2021, causing the decedent to die as a result of hypothermia (Pltfs' Orig. Pet., p. 7-8).

2. AEPC and AEP Texas Inc. were served with summons and the Original Petition on March 3, 2021. Both filed their Original Answers on March 22, 2021. ERCOT was served on March 4, 2021, and filed its Original Answer on March 23, 2021.

3. This case is removable under federal diversity jurisdiction. *See* 28 U.S.C. §1332. Removal is warranted because Plaintiffs seek damages in excess of the statutory limit and because the served and properly joined defendants are diverse. ERCOT is an improperly joined defendant because Plaintiffs have no possibility of recovery against it.

4. Because AEPC and AEP Texas Inc. were served with the lawsuit on March 3, 2021, this notice of removal is properly filed within the 30-day time period required by 28 U.S.C. §1446(b)(1). Consent from the remaining defendant who has been improperly joined is not required. *See Escalante v. Deere & Co.*, 3 F.Supp.3d 587, 590 (S.D. Tex. 2014) (citing *Rico v. Flores*, 481 F.3d 234, 239 (5th Cir. 2007)).

II. BASIS FOR REMOVAL-DIVERSITY OF JURISDICTION

5. This action is removable under 28 U.S.C. §1332 because the properly served and joined parties are diverse. According to Plaintiffs' Original Petition, Plaintiffs are all Texas residents. (Pltf's Orig. Pet., pg. 1-2).

6. Defendant AEPC is a New York corporation with its principal place of business located in Columbus, Ohio. Defendant AEP Texas Inc. is a Delaware Corporation with its principal place of business in Columbus, Ohio.

7. The citizenship of the remaining defendant, ERCOT, should be disregarded because it has been improperly joined. *See Smallwood v. III. Cent. R.R. Co.*, 385 F.3d 568, 573 (5th Cir. 2004) (en banc) (discussing improper joinder). A party seeking a federal forum can establish improper joinder by demonstrating that there is either "actual fraud in the pleading of jurisdictional facts," or "no reasonable basis for the district court to predict that the plaintiff might be able to recover against the nondiverse defendant." *Toney v. State Farm Lloyds*, 661 F.App'x. 287, 290 (5th Cir. 2016) (quoting *Smallwood*, 385 F.3d at 573). Under the second method, improper joinder is established when "there is no possibility of recovery by the plaintiff against an in-state defendant, which stated differently means that there is no reasonable basis for the district court to predict that the plaintiff might be able to recover against an in-state defendant." *Smallwood*, 385 F.3d at 573. To resolve a question of improper joinder, the court may conduct a Rule 12(b)(6)-type analysis.

Id. The Rule 12(b)(6) analysis incorporates the federal pleading standard. *Int’l Energy Ventures Mgmt., LLC v. United Energy Group, Ltd.*, 818 F.3d 193, 200 (5th Cir. 2016). Accordingly, “a complaint must have contained enough facts to state a claim to relief that is plausible on its face.” *Id.* at 200. Where a plaintiff has “stated a claim, but has misstated or omitted discrete facts that would determine the propriety of joinder . . . the district court may, in its discretion, pierce the pleadings and conduct a summary inquiry.” *Smallwood*, 385 F.3d at 573.

8. “Jurisdictional facts are determined at the time of removal, not by subsequent events.” *Flagg v. Stryker Corp.*, 819 F.3d 132, 137 (5th Cir. 2016). Thus, the possibility of recovery against a non-diverse defendant is examined at the time of removal. *See id.* “This inquiry must be made regardless of whether the court examine the plaintiff’s chance of surviving a Rule 12(b)(6) challenge, or instead, conducts a summary inquiry by piercing the pleadings.” *Id.* If the court determines that a party was improperly joined, “then the court may disregard the citizenship of that defendant, dismiss the non-diverse defendant from the case, and exercise subject matter jurisdiction over the remaining diverse defendant.” *Id.* at 136.

9. Plaintiffs have no possibility of recovery against ERCOT because it is entitled to sovereign immunity.

10. Plaintiffs allege that ERCOT is liable for ordering rolling blackouts and depriving the decedent of power and heat. (Pltfs’ Orig. Pet., pg. 5).

11. Plaintiffs further allege that ERCOT failed in its duty to estimate and plan the amount of power that would be required in the Winter 2021 season. Further, Plaintiff alleges that ERCOT violated various provisions of 16 Tex. Admin. Code §25.52 concerning preventing interruptions of service and managing emergencies resulting therefrom. (Pltfs' Orig. Pet., pg. 8.).

12. Pursuant to Tex. Util. Code §39.151, ERCOT was certified by the Texas Public Utility Commission (PUC) as the independent system operator (ISO) to, among other functions, ensure the reliability and adequacy of the regional electrical network. ERCOT is a necessary component of the legislature's electric utility industry regulatory scheme. *See id.* §39.151(a). Rules adopted by the PUC require ERCOT to administer a "mechanism" to provide for resource adequacy in an energy-only market, which mechanism is intended to encourage market participants to build and maintain a mix of resources that sustain adequate supply of electric service in the ERCOT power region. *See* 16 Tex. Admin. Code §25.505(a) & (g) (requiring ERCOT to administer "scarcity pricing mechanism").

13. Because: (a) ERCOT exercises power delegated to it by an administrative agency (the PUC) pursuant to legislation; (b) its power includes rule-making authority that is binding on market participants; and (c) it is subject to broad oversight by the PUC, which can decertify it, the only Texas appellate court to consider and determine its status has concluded that ERCOT is entitled to sovereign

immunity from private damage suits in connection with the discharge of its regulatory responsibilities. *See Electric Reliability Council of Texas, Inc. v. Panda Power Generation Infrastructure Fund, LLC*, 552 S.W.3d 297, 319 (Tex. App.-Dallas 2018, pet. dism'd w.o.j.). Thus, Plaintiffs have no reasonable possibility of recovery from ERCOT. As a result, ERCOT is improperly joined, and its citizenship should be disregarded for purposes of diversity jurisdiction.

III. AMOUNT IN CONTROVERSY AND VENUE

14. Plaintiffs have pled damages in excess of the statutory minimum for purposes of diversity jurisdiction. 28 U.S.C. §§ 1332(a) and 1446(c)(2)(A)(ii). (Pltf's Orig. Pet., pg. 3).

15. Venue for this removal is proper under 28 U.S.C. § 1446(a) because this Court is the United States District Court for the district and division corresponding to Jim Wells County, Texas, the place where the state court action is pending.

IV. JURY DEMAND

16. AEPC and AEP Texas Inc. assert their rights under the Seventh Amendment to the U.S. Constitution and demand, in accordance with Federal Rule of Civil Procedure 38, a trial by jury on all issues.

V. DOCUMENTS FROM THE REMOVED ACTION

17. Pursuant to Local Rule 81, the following documents are attached to this Notice of Removal.

Exhibit 1: All executed process in the case;

Exhibit 2: Pleadings asserting causes of action and all answer to such pleadings.

Exhibit 3: The docket sheet;

Exhibit 4: An index of matters being filed; and

Exhibit 5: A list of all counsel of record, including addresses, telephone numbers, and parties represented.

18. AEPC and AEP Texas Inc. have served all parties with a copy of this Notice of Removal and forwarded it for filing with the Clerk for the 79th Judicial District Court of Jim Wells County, Texas, Cause No. 21-02-60953-CV; *Melissa Villanueva, on Behalf of the Estate of Abelino Guzman, Deceased, and on Behalf of A.G., A Minor, Desiray Davis, and Tracy Guzman v. Electric Reliability Council of Texas, Inc., American Electric Power Company, Inc. and AEP Texas Inc.*; in the 79th Judicial District of Jim Wells County, Texas, in accordance with 28 U.S.C. § 1446(d).

VI. CONCLUSION

19. In accordance with 28 U.S.C. § 1441, AEPC and AEP Texas Inc. may properly remove the state court action to this Court because: (1) it is a civil action pending within the jurisdiction of the United States District Court for the Southern District of Texas, Corpus Christi Division; (2) the served and properly joined parties are from different states; and (3) exclusive of interests and costs, the amount in controversy exceeds \$75,000.00.

Respectfully submitted,

By : /s/ William Johnson
William Johnson
State Bar No. 24002367
Fed. Bar No. 22896
DUGGINS WREN MANN & ROMERO, LLP
P.O. Box 1149
Austin, Texas 78767-1149
Ph : 512.744.9300
Fax: 512-744-9399
Email : bjohnson@dwmrlaw.com

G. Don Schauer
State Bar No. 17733298
Fed. Bar No. 7641
SCHAUER & SIMANK, P.C.
615 N. Upper Broadway, Suite 700
Corpus Christi, Texas 78401-0781
Ph : 361.884.2800
Fax : 361.884.2822
Email : dschauer@cctlaw.com

Robert L. Galligan
State Bar No. 07590500
Fed. Bar No. 8041
Lance Kirby
State Bar No. 00794096
Fed. Bar No. 21811
JONES, GALLIGAN, KEY & LOZANO, L.L.P.
Town Center Tower, Suite 300
2300 West Pike Boulevard
Weslaco, Texas 78596
Ph : 956.968.5402
Fax : 956.969.9402
Email : bgalligan@jgkl.com
Email : lakirby@jgkl.com

**ATTORNEYS FOR DEFENDANTS
AMERICAN ELECTRIC POWER
COMPANY, INC. AND
AEP TEXAS INC.**

CERTIFICATE OF SERVICE

I certify that on the 24th day of March, 2021, a copy of **Defendants AEPC and AEP Texas Inc.'s Notice of Removal** was electronically filed using the CM/ECF system, which will automatically serve a Notice of Filing on the following attorneys:

Mikal C. Watts
WATTS GUERRA LLP
Four Dominion Drive
Bldg. 3, Suite 100
San Antonio, Texas 78257
mcwatts@wattsguerra.com

Gregory L. Gowan
GOWAN ELIZONDO LLP
555 N. Carancahua St., Suite 1400
Corpus Christi, Texas 78401
ggowan@gelawfirm.com

Patrick A. Luff
FEARS NACHAWATI, PLLC
5473 Blair Road
Dallas, Texas 75231
pluff@fnlawfirm.com

Jerrold S. Parker
Raymond Silverman
Melanie Muhlstock
Nicholas F. Morello
PARKER WAICHMAN LLP
6 Harbor Park Drive
Port Washington, NY 11050

/s/ William Johnson

William Johnson

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Melissa Villanueva, On Behalf of the Estate of Abelino
Guzman Deceased and on Behalf of A G. A Minor

(b) County of Residence of First Listed Plaintiff Jim Wells
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

See attachment to Civil Cover Sheet

DEFENDANTS

Electric Reliability Council of Texas, Inc., American Electric
Power Company, Inc. and AEP Texas, Inc.

County of Residence of First Listed Defendant Jim Wells
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

See attachment to Civil Cover Sheet

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Section 1332, 1441 and 1446

Brief description of cause:

Negligence

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

3/24/2021

/s/ William P. Johnson

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MELISSA VILLANUEVA, ON §
BEHALF OF THE ESTATE OF ABELINO §
GUZMAN, DECEASED, AND ON §
BEHALF OF A.G., A MINOR, DESIRAY §
DAVIS, AND TRACY GUZMAN §

V. §

ELECTRIC RELIABILITY COUNCIL §
OF TEXAS, INC., AMERICAN §
ELECTRIC POWER COMPANY, INC., §
AND AEP TEXAS, INC. §

CIVIL ACTION NO.: _____
JURY DEMANDED

ATTACHMENT TO CIVIL COVER SHEET

MIKAL C. WATTS
State Bar No.: 20981820
Federal Id No.:
mcwatts@wattsguerra.com
Watts Guerra LLP
Four Dominion Drive
Bldg. 3, Suite 100
San Antonio, Texas 78257
Ph : 210.447.0500
Fax : 210.447.0501

GREG GOWAN
State Bar No.: 00792384
Federal Id No.:
ggowan@gelawfirm.com
Gowan Elizondo LLP
555 N. Carancahua St., Suite 1400
Corpus Christi, Texas 78401
Ph : 361.651.1000
Fax : 361.651.1001

PATRICK A. LUFF
State Bar No.: 24092728
Federal Id No.:
pluff@fnlawfirm.com
Fears Nachawati, PLLC
5473 Blair Road
Dallas, Texas 75231
Ph : 214.890.0711
Fax : 214.890.0172

JERROLD S. PARKER
New York Bar No. 1894666
Pro hac vice application to be filed
jerry@yourlawyer.com
Parker Waichman LLP
6 Harbor Park Drive
Port Washington, NY 11050
Ph : 516.723.4629
Fax : 516.723.4729

**ATTORNEYS FOR PLAINTIFFS:
MELISSA VILLANUEVA, ON BEHALF
OF THE ESTATE OF ABELINO GUZMAN,
DECEASED, AND ON BEHALF OF
A.G., A MINOR, DESIRAY DAVIS, AND
TRACY GUZMAN**

G. DON SCHAUER
State Bar No.: 17733298
Federal ID No.: 7641
dschauer@cctxlaw.com
Schauer & Simank, P.C.
615 N. Upper Broadway, Ste. 700
Corpus Christi, Texas 78401
Ph : 361.884.2800
Fax : 361.884.2822

ROBERT L. GALLIGAN
State Bar No.: 07590500
Federal Id No.: 8041

bgalligan@jgkl.com

Jones, Galligan, Key & Lozano, L.L.P.
Town Center Tower, Suite 300
2300 West Pike Boulevard
Weslaco, Texas 78596
Ph : 956.968.5402
Fax : 956.969.9402

LANCE KIRBY

State Bar No.: 00794096
Federal Id No.: 21811

lakirby@jgkl.com

Jones, Galligan, Key & Lozano, L.L.P.
Town Center Tower, Suite 300
2300 West Pike Boulevard
Weslaco, Texas 78596
Ph : 956.968.5402
Fax : 956.968.5402

WILLIAM JOHNSON

State Bar No.: 24002367
Federal Id No.: 22896

bjohnson@dwmrlaw.com

Duggins Wren Mann & Romero, LLP
600 Congress, Ste. 1900
Austin, Texas 78701
Ph : 512.744.9300
Fax : 512.744.9399

**ATTORNEYS FOR DEFENDANTS
AMERICAN ELECTRIC POWER COMPANY
AND AEP TEXAS INC.**